

Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of

Advanced Television Systems
and Their Impact upon the
Existing Television Broadcast
Service

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MM Docket No. 87-268

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: The Commission

**RESPONSE OF AK MEDIA GROUP, INC., TO
PETITIONS FOR RECONSIDERATION
FILED BY GRANITE BROADCASTING CORPORATION,
THE ASSOCIATION OF LOCAL TELEVISION STATIONS, INC.,
AND VIACOM, INC.**

AK Media Group, Inc. ("AK Media"),¹ by its attorneys and pursuant to § 1.429 of the Commission's Rules, submits its response to the Petitions for Reconsideration filed in this proceeding by Granite Broadcasting Corporation ("Granite"), The Association of Local Television Stations, Inc. ("ALTV") and Viacom, Inc. ("Viacom"). AK Media requests that the Commission 1) amend the Table of Allotments for digital television ("DTV") adopted in its Sixth Report and Order² so that the allotments provided to KCBA(TV) and KNTV(TV), San Jose, California comply with the requirements enumerated in the new § 73.623 of the Commission's Rules, 2) amend its rules

¹ AK Media is the licensee of Television Stations KCBA(TV) Salinas, California, KFTY(TV) Santa Rosa, California, KGET(TV) Bakersfield, California, KKTV(TV) Colorado Springs, Colorado, and KVOS(TV) Bellingham, Washington, and is an affiliate of WIXT-TV, Inc., licensee of WIXT(TV), Syracuse, New York.

² *Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service*, Sixth Report and Order, FCC 97-115, Released April 21, 1997 (hereinafter *Sixth Report and Order*).

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to remove technical and procedural impediments to consensual intra-market and inter-market DTV channel swaps between television stations, and 3) retain its current interference prediction criteria which prohibit additional interference within a station's predicted NTSC Grade B coverage contour. In support thereof, AK Media states as follows:

I. The Commission's DTV Allotment for KCBA(TV) Fails to Comply with the Adjacent Channel Spacing Requirements Enumerated in the New § 73.623(d)(1) of the Commission's Rules and Must Be Modified.

KCBA(TV), Salinas, California, is located within the Monterey-Salinas DMA. KCBA currently operates on NTSC channel 35 and has been assigned DTV channel 13 at 3.2 kW power. Granite station KNTV(TV), San Jose, California, has been allotted DTV channel 12.³ AK Media is deeply concerned about the Commission's assignment of first adjacent DTV channel 12 to KNTV.

As Granite indicated in its Petition for Reconsideration, KCBA and KNTV are impermissibly short spaced.⁴ The distance between KCBA and KNTV is 49.8 kilometers. This distance violates the spacing requirements for adjacent DTV channels enumerated by the Commission in the new § 73.623(d)(1) of the Commission's Rules because it exceeds (by 1.5 kilometers) this section's 48.3 kilometer minimum distance requirement and is shorter (by 47.1 kilometers) than this section's alternative 96.6 kilometer maximum distance requirement. The inadequate spacing between KCBA's channel 13 DTV transmitter and KNTV's channel 12 DTV transmitter will preclude both stations from maximizing their facilities either by increasing power or by using an omnidirectional

³ See *Petition of Granite Broadcasting Corporation for Reconsideration of the Fifth Report and Order and the Sixth Report and Order*, MM Docket No. 87-268, Filed June 13, 1997 (hereinafter *Granite Petition*).

⁴ *Granite Petition* at 3 and at Exhibit A, p. 1.

antenna and may preclude them from replicating their respective coverage areas out to their current predicted NTSC Grade B coverage contours. Accordingly, AK Media respectfully requests that the Commission amend the DTV Table of Allotments with respect to KCBA and KNTV to correct this discrepancy.

II. The Commission Should Amend its Rules to Remove Technical and Procedural Impediments to Consensual Intra-market and Inter-market DTV Channel Swaps Between Television Stations

AK Media also supports the *Granite Petition*'s suggested expansion of the exemption to the Commission's petition for rule making process contained in the new § 73.622(c) of the Commission's Rules, as promulgated by the Sixth Report and Order.⁵ AK Media respectfully requests that the Commission amend the new § 73.622(c) of the Commission's Rules to exempt not only intra-*community* channel swaps from the Commission's petition for rulemaking process, but to also exempt intra-market and inter-market channel swaps among commercial stations from the Commission's petition for rulemaking process as well. As was proposed in the *Granite Petition*, regional facilitation and coordination of these swaps could, if necessary, be facilitated through the use of industry coordination committees.⁶ This proposed rule change would allow for the efficient resolution of technical problems facing commercial stations by equalizing the treatment of intra-community, intra-market and inter-market swaps through the elimination of the Commission's current unduly burdensome and time-consuming procedural requirements.

⁵ See *Granite Petition* at 6-7.

⁶ See *Sixth Report & Order* at ¶ 182.

III. The Commission Should Not Relax its Interference Prediction Criteria in Any Way That Would Permit Additional Interference Within a Station's Predicted NTSC Grade B Coverage Contour.

A number of Petitions for Reconsideration, notably those filed by ALTV and Viacom,⁷ request that the Commission adopt relaxed DTV-to-NTSC interference-prediction criteria in order to facilitate power increases by NTSC UHF stations that have been assigned a DTV UHF channel (the "U-to-U DTV stations").⁸ These proposals would weaken the Commission's current criteria for permissible interference by applying the F(50-10) interference curve to only the inner portion of an affected station's predicted NTSC Grade B coverage contour, but would utilize a far less stringent F(50-50) interference curve for the remainder of such station's Grade B contour. This would result in an increase in the amount of allowable interference caused to the outer portion of a station's Grade B contour. AK Media supports the Commission's commitment to the principle of allowing television stations to maximize their digital service areas to the greatest extent possible without causing interference to other television stations and recognizes that U-to-U DTV stations must be permitted to increase their power in order to maximize their service areas. Accordingly, to the extent that ALTV and Viacom request a modification of the Commission's Rules as they relate to service area maximization in order to ensure that those rules are fair to all broadcasters, AK Media supports

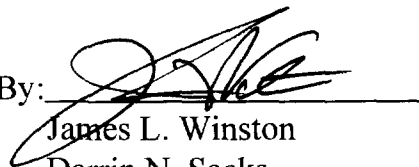
⁷ Association of Local Television Stations, *Petition for Reconsideration*, MM Docket No. 87-268, filed on June 11, 1997, at 2-3, 11-13; Viacom, Inc., *Petition for Partial Reconsideration of the Fifth Report and Order and of the Sixth Report and Order*, MM Docket No. 87-268, filed on June 13, 1997, at 3, 6-7. ALTV's nationwide membership includes independent UHF and VHF stations, as well as stations affiliated with the emerging FOX, UPN and WB networks. *ALTV Petition* at 1, fn.2. Viacom is the 50% owner of the UPN network. *Viacom Petition* at 1-2.

⁸ In almost all instances in the DTV Table of Allotments as set forth in the Commission's *Sixth Report and Order*, U-to-U stations were assigned substantially lower power maximums than those assigned to NTSC VHF stations that received UHF DTV allotments (V-to-U stations).

those petitions. However, given the high degree of uncertainty surrounding the implementation of the new and untested DTV Table of Allotments, AK Media urges the Commission not to permit DTV stations to obtain power increases if any new interference would result beyond the F(50-10) interference curve until after the DTV Table of Allotments has been implemented and empirical data regarding the real world effects of digital television has been collected.⁹ Therefore, AK Media requests that the Commission retain the standards set forth in the new § 73.623(c) of the Commission's Rules promulgated in *Sixth Report and Order* and continue to prohibit any additional interference within a station's predicted NTSC Grade B coverage contour.

Respectfully submitted,

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July 18, 1997

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⁹ AK Media recognizes that there are important issues yet to be resolved regarding specific aspects of maximization. For example, the rules as currently formulated appear to give network affiliates in the top markets a "first crack" at maximization, severely limiting the ability of independent stations in those markets to maximize subsequent to the network's "first wave." See *Viacom Petition* at 7. The Commission should reconsider its maximization procedures such that maximization by the network affiliates in the top markets will not preclude subsequent maximization by other stations.

CERTIFICATE OF SERVICE

I hereby certify that on July 18, 1997, true copies of the foregoing were mailed, first class U.S. mail postage pre-paid, to the following:

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